

Appl. No. 10/716,392
Amdt. Dated June 1, 2006
Response to Office action of April 7, 2006

Remarks

Claims 42-52 were rejected under 35 U.S.C. § 103(a) over JP 2001252960 in view of Patterson '230. In view of the foregoing amendments and the following remarks, it is respectfully submitted that the amended claims are patentable over these references and over all the prior art of record.

Claim 42 has been amended to include the limitations from dependent claims 43, 44, 51 and 52, which have been canceled herein. New method claims 53-59 and product claim 60 have also been added. No new matter has been added with this amendment.

As discussed in the Background section of the application, composites are being used more and more in non-structural applications such as decking. Composites typically require less maintenance and provide a lower risk of exposure to harmful chemicals than pressured-treated lumber. Natural wood products are, however, still desirable in constructing portions of a deck, since they typically provide more strength than comparably priced composites. Thus, a deck has a non-uniform appearance, still requires a high-level of maintenance, and still exposes deck users to leaching chemicals.

The present invention solves these problems by providing the strength of a natural wood product with the advantages of a composite. The wood-based substrate provides the strength, while the composite layer that coats

Appl. No. 10/716,392
Amdt. Dated June 1, 2006
Response to Office action of April 7, 2006

the substrate reduces the amount of maintenance required, provides a uniform appearance with conventional all-composite components, and does not subject users to leaching chemicals.

Although JP 2001252960 shows a wood product encased in a composite layer, neither this reference nor any of the prior art shows a structural product having a composite layer with made with an organic filler, wherein the organic filler is at least one of saw dust, wood flour, wood fibers, by-products of paper manufacturing, and recycled cellulose, and wherein the organic fillers make up between 20% and 80% of the composite layer, in combination with a foamed intermediate layer, wherein the intermediate and outer layers are extruded.

Paterson '230 does not even disclose a product with a lumber substrate, and there is no incentive to combine Paterson '230 with JP 2001252960. Thus, the prior art does not render the present invention unpatentable.

The applicants accordingly submit that the claims are in condition for allowance and ask that the application be reconsidered in view of these amendments and remarks.

The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 19-4972. Applicants request reconsideration of the rejected claims and a notice of allowance.

Appl. No. 10/716,392
Amdt. Dated June 1, 2006
Response to Office action of April 7, 2006

The Examiner is kindly requested to telephone the undersigned so
that any outstanding matters may be resolved expeditiously.

Respectfully submitted,



Timothy M. Murphy
Registration No. 33,198
Attorney for Applicants

Bromberg & Sunstein LLP
125 Summer Street
Boston, MA 02110-1618
(617) 443-9292

02836/00101 502122.1